

REGISTER

South Dakota Legislative Research Council



Volume 31

Monday, 8:00 a.m., December 13, 2004

NOTICES OF PROPOSED RULES: (None)

History-Notice: 31 SDR 57, Oct. 18, 2004
Hearing: November 5, 2004
Filed: December 7, 2004
Effective: December 27, 2004

**FILINGS IN THE SECRETARY OF
STATE'S OFFICE:**

**DEPARTMENT OF GAME, FISH AND
PARKS:** 41:06:02:03.

DEPARTMENT OF TRANSPORTATION:
70:01:02:12, 70:01:02:38, 70:01:02:43.

History-Notice: 31 SDR 7, July 19, 2004
Hearing: November 4, 2004
Filed: November 22, 2004
Effective: December 12, 2004

History-Notice: 31 SDR 49, October 4, 2004
Hearing: October 20, 2004
Filed: December 8, 2004
Effective: December 28, 2004

**DEPARTMENT OF GAME, FISH AND
PARKS:** 41:03:03:03.01; 41:06:02:01.03;
41:06:57:01; 41:07:01:03, 41:07:01:10,
41:07:01:11; 41:07:02:03; 41:07:03:01,
41:07:03:02.01, 41:07:03:03; 41:07:06:03,
41:07:06:03.01; and 41:09:04:03.

DEPARTMENT OF TRANSPORTATION:
70:05:04:01.

History-Notice: 31 SDR 57, October 18, 2004
Hearing: November 4-5, 2004
Filed: December 7, 2004
Effective: December 27, 2004

History-Notice: 31 SDR 67, Nov. 1, 2004
Hearing: November 23, 2004
Filed: December 8, 2004
Effective: December 28, 2004

DEPARTMENT OF HEALTH:
44:20:01:01, 44:20:01:04; 44:20:03:01,
44:20:03:02; Chapter 44:20:04.

**DEPARTMENT OF EDUCATION: BOARD
OF EDUCATION:** 24:03:04:16, 24:03:04:17,
and 24:03:04:18.

History-Notice: 31 SDR 53, October 12, 2004
Hearing: November 3, 2004
Filed: December 7, 2004
Effective: December 27, 2004

History-Notice: 31 SDR 61, October 25, 2004
Hearing: November 15, 2004
Filed: December 9, 2004
Effective: December 29, 2004

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES: BOARD OF
WATER AND NATURAL RESOURCES:**
74:05:07:26; 74:05:08:22; 74:05:10:23; and
74:05:11:23.

**DEPARTMENT OF EDUCATION:
PROFESSIONAL TEACHERS
PRACTICES AND STANDARDS
COMMISSION:** 24:08:01:01; 24:08:04:01:04.

History-Notice: 31 SDR 75, Nov. 15 2004
Hearing: November 16, 2004
Filed: December 9, 2004
Effective: December 29, 2004

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:10:42:23.

History-Notice: 31 SDR 61, October 25, 2004
 Hearing: November 15, 2004
 Filed: December 9, 2004
 Effective: December 29, 2004

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF BANKING: 20:07:23:01 to 20:07:23:05, inclusive.

The Division of Banking rules listed above that were filed on November 29, 2004, in the Secretary of State's office have been withdrawn. These rules were referred back to the Division of Banking for further consideration by the Rules Review Committee at the public hearing for these rules on December 7, 2004. The Division of Banking will reconsider these rules at a public meeting to be scheduled.

Executive Appointments:

David Kennedy, Spearfish, was reappointed on December 2, 2004, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until July 1, 2007.

James C. Roby, Watertown, was reappointed on December 3, 2004, to the **South Dakota Building Authority**, effective immediately, and shall continue until January 19, 2009.

Bob Stahl, Pierre, was appointed on December 3, 2004, to the **South Dakota State Board for Nursing Facility Administrators**, effective immediately and shall continue until July 1, 2006.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

12-16-2004	Environment and Natural Resources: Board of Minerals and Environment	Amend rules that will require a person to obtain a solid waste permit whenever a waste tire bale, waste tire, or parts thereof are buried or partially buried; 31 SDR 75.
12-17-2004	Personnel	Amend a rule to insure that any employee having contact with inmates within the secure perimeter of a corrections department facility be drug free; 31 SDR 79.
12-17-2004	Social Services: Medical Services	Amend rules relating to Medicaid eligibility that will update current rules, delete provisions that no longer apply, increase certain allowances to reflect the increased cost of living, change the method of calculating a period of ineligibility when an asset is disposed of for purposes of establishing Medicaid eligibility, require a trustee to submit an annual accounting to the department, and institute a penalty when income placed into

		the trust exceeds the amount paid out of the trust for medical services; 31 SDR 80.
12-17-2004	Social Services: Food Stamps	Adopt rules to establish operating guidelines for the Sales Tax on Food Refund Program; 31 SDR 80.

Rules Review Committee Meetings

The last meeting of the Interim Rules Review Committee is scheduled for Monday, January 10, 2005, in Room 413 of the State Capitol.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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